

**THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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YORKTOWN CENTRAL
SCHOOL DISTRICT,

Plaintiff,

Civil Action No.: 07 - 8648
(SCR)

-against-

ECF CASE

MONSANTO COMPANY,
PHARMACIA CORPORATION,
PECORA CORPORATION and
JOHN DOES 1-20,

Defendants.

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ORDER

AND NOW, this day of , 2008, upon consideration of the Motion of Defendants Monsanto Company and Pharmacia Corporation to dismiss a First Amended Complaint, and any response thereto, it is hereby ORDERED that the motion is GRANTED.

It is further ORDERED that the following claims set forth in the Yorktown Central School District's First Amended Complaint are dismissed with prejudice as untimely filed pursuant to the applicable statutes of limitations:

1. negligence and recklessness;
2. strict products liability for manufacturing defect;
3. strict products liability for failure to warn;
4. strict products liability for design defect; and
5. violations of New York's General Business Law.

It is further ORDERED that the following claims set forth in the District's First Amended Complaint against Defendants Monsanto Company and Pharmacia Corporation are also

dismissed with prejudice for the District's failure to plead all elements essential to state a claim against those defendants:

1. negligence and recklessness;
2. strict products liability for manufacturing defect;
3. strict products liability for failure to warn;
4. strict products liability for design defect;
5. New York's General Business Law, §§ 349, 350;
6. indemnification for past and future injuries; and
7. punitive damages.

BY THE COURT:

Stephen C. Robinson, U.S.D.J.